

**UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

RONALD GONDA,	:	CIVIL ACTION NO. 00-2286
	:	
	:	
Plaintiff,	:	
	:	
v.	:	CHIEF JUDGE AMBROSE
	:	
	:	
METROPOLITAN LIFE INSURANCE	:	
COMPANY and WILLIAM FRIEDT, JR.	:	
	:	
Defendants.	:	

DEFENDANTS METROPOLITAN LIFE INSURANCE COMPANY’S AND MOTION IN LIMINE TO EXCLUDE REFERENCES TO “RETIREMENT” AND “SAVINGS” SALES

Defendants Metropolitan Life Insurance Company (“MetLife”) and William Friedt, Jr., by and through their attorneys, McCarter & English, LLP, present this Motion in Limine to Exclude References to “Retirement” and “Savings” Sales:

1. In his deposition, plaintiff refers to the 1992 Policy at issue as a retirement plan. See Ex. A, Deposition of Ronald Gonda at 22:2-20; 57:4-5; 57:25. Plaintiff’s Proposed Exhibits 4, 6-8, 32 and 40 also make reference to “retirement” or “savings plans.” See Ex. B-G, plaintiff’s Proposed Exhibits 4, 6-8, 32 and 40.¹

2. Plaintiff should be precluded from introducing any evidence regarding “retirement” or “savings” sales for the reasons set forth in detail in MetLife’s and Mr. Friedt’s Brief in Support of their Motion in Limine to Exclude References to “Retirement” and “Savings” Sales.

¹ In support of the arguments set forth in detail in MetLife’s and Mr. Friedt’s Brief in Support of Their Motion to In Limine to Exclude References to “Retirement” and “Savings” Sales, defendants enclose Ex. H. Charles v. Metropolitan Life Ins. Co., G.D. 95-17151, Memo. And Order of Court (C.C.P. Allegh. Cty. Jan. 5, 2006) and Ex. I, Bachman v. Metropolitan Life Ins. Co., G.D. 03-8091, Memo. And Order of Court (C.C.P. Allegh. Cty. Oct. 25, 2005).

WHEREFORE, based on all of the foregoing reasons as well as those set forth in the accompanying brief, MetLife and Mr. Friedt respectfully request that this Honorable Court determine that any evidence regarding “retirement” and “savings” sales is excluded.

Respectfully Submitted,

s/ B. John Pendleton, Jr. _____

B. John Pendleton, Jr.

McCARTER & ENGLISH, LLP

PA I.D. No. 41162

Four Gateway Center

100 Mulberry Street

Newark, NJ 07102

(973) 622-4444

Attorneys for Defendants

Metropolitan Life Insurance Company

And William Friedt, Jr.

Dated: June 19, 2006

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the foregoing document was served via the electronic filing service, on this 19th day of June 2006 on the following counsel of record:

Kenneth R. Behrend, Esq.
Behrend and Ernsberger, P.C.
Union National Bank Building
306 Fourth Avenue, Suite 300
Pittsburgh, PA 15222

s/ B. John Pendleton, Jr.